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6 June 2024

Hon. Jesse M. Furman
United States District Court for the Southern District of New York
Thurgood Marshall Courthouse
40 Foley Square
New York, NY 10007

Re: *United States v. Schulte*, Case No. 17-Cr-548

Dear Judge Furman:

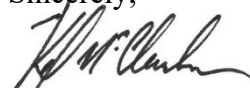
On behalf of Intervenor emptywheel, LLC, I respectfully submit this letter motion requesting that the Government be required to show cause why the redacted transcripts that the Court ordered to be docketed by 4 June should not be immediately docketed.

The Court originally ordered the Government on 9 April to either file an application for leave to make additional redactions by 2 May or docket the transcripts with existing redactions by 3 May, and it clarified on 1 May that, if the Government did not propose additional redactions on 2 May, then the appeal clock would begin to run, and that the deadline for docketing the already-redacted transcripts would be extended until one day after the appeal deadline. Since the Government did not file an application for leave to make additional redactions by 2 May, the appeal deadline was 1 June, which is routinely extended until 3 June because of the weekend. Since the Government did not file an appeal by 3 June, its deadline for docketing the already-redacted transcripts was accordingly 4 June. As the Government has not complied with this deadline either, I formally request an order requiring the Government to immediately show cause why the transcripts should not be immediately filed on the record.¹

I have emailed counsel for the Government as well as a representative of Inner City Press regarding this Motion. Inner City Press consents to this Motion and “support[s] the immediate docketing.” Government counsel has not responded to my query, so I am accordingly treating this Motion as opposed.

¹ Such an order may also, in the Court’s discretion, require the Government to reimburse my attorneys’ fees in pursuing this matter, since none of the work this week would have been necessary had the Government complied with *any* of the deadlines set by the Court.

Sincerely,

A handwritten signature in black ink, appearing to read "Kel McClanahan", written over the printed name.

Kel McClanahan

Counsel for Intervenor emptywheel